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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/593,957	09/22/2006	Justus Lamprecht	R.307200	4042
2119	7590	10/09/2007	EXAMINER	
RONALD E. GREIGG			RAGIN, RASHEED J	
GREIGG & GREIGG P.L.L.C.			ART UNIT	PAPER NUMBER
1423 POWHATAN STREET, UNIT ONE			2834	
ALEXANDRIA, VA 22314			MAIL DATE	DELIVERY MODE
			10/09/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/593,957	LAMPRECHT, JUSTUS	
	<b>Examiner</b>	<b>Art Unit</b>	
	Rasheed J. Ragin	2834	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 13*
- 4) Claim(s) 1-32 is/are pending in the application.
  - 4a) Of the above claim(s)       is/are withdrawn from consideration.
  - 5) Claim(s) \_\_\_\_\_ is/are allowed.
  - 6) Claim(s) 13-32 is/are rejected.
  - 7) Claim(s) \_\_\_\_\_ is/are objected to.
  - 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 9/22/06 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All
  - b) Some \*
  - c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                        |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>9/22/2006</u> . | 6) <input type="checkbox"/> Other: _____.  |

## DETAILED ACTION

### *Drawings*

The examiner objects to the drawings. The drawings fail to disclose where the brush holder is fixed on the electrical machine by means of the pre-stressing element.

### ***Claim Rejections - 35 USC § 112***

Claims 17 – 19 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for the brush holder to be affixed on the electrical machine by means of the pre-stressing element, does not reasonably provide enablement for the brush holder to be affixed on the electrical machine by means of the pre-stressing element. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to the brush holder to be affixed on the electrical machine by means of the pre-stressing element in the invention commensurate in scope with these claims. The examiner has read the claims as "...where in the brush housing is fixed on the electrical machine by means of the pre-stressing element."

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 13 – 16 and 27 – 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Dafler et al. (US Patent 3,628,075, dated December 14, 1971).

Regarding claim 13, Dafler et al. discloses a brush holder assembly [12] for an electrical machine, which comprises a housing [16] for receiving the brush, a pre-stressing element [156,158], and a T-shaped securing element [110,112] for securing the element disposed on the housing and for securing the brush holder to the machine.

Regarding claim 14, Dafler et al. discloses in figure 5, wherein the securing element comprises two essentially T-shaped [110, 112] elements disposed diametrically opposite one another on the housing.

Regarding claim 15, Dafler et al. discloses in figure 5, wherein the T-shaped securing element [110, 112 ]is formed in one piece with the housing.

Regarding claim 16, Dafler et al. discloses in figure 5, wherein the T-shaped securing element [110, 112 ]is formed in one piece with the housing.

Regarding claim 20, Dafler et al. discloses in figure 5, wherein the pre-stressing element is embodied as a spring [156,158].

Regarding claim 21, Dafler et al. discloses in figure 5, wherein the pre-stressing element is embodied as a spring [156,158].

Regarding claim 27, Dafler et al. discloses in figure 2, where the pre-stressing element, the springs [156, 158], are fixed at two tabs [88, 90] and two recesses [92, 93] of the holder of the electrical machine.

Regarding claim 28, Dafler et al. discloses in figure 2, where the pre-stressing element, the springs [156, 158], are fixed at two tabs [88, 90] and two recesses [92, 93] of the holder of the electrical machine.

Regarding claim 31, Dafler et al. discloses in figure 5, where the housing [16] is embodied in one part with the integrally formed T-shaped [110,112] securing element.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 22 rejected under 35 U.S.C. 103(a) as being unpatentable over Dafler et al. as applied to base claims above, and further in view of Scheucher (US Patent 5,731,650, dated March 24, 1998).

Regarding claim 22, Dafler et al. teaches to the limitations of the base claim above.

Dafler et al. does not disclose a brush holder where the spring is disposed outside the housing that also comprises a spring arm, which exerts pre-stressing on the brush through a recess in the housing. Scheucher, however, discloses in figure 4, a brush holder where the spring [39] is disposed outside the housing, and comprises a spring arm, which exerts pre-stressing on the brush through a recess in the housing [33]. It would have been obvious for one skilled in the art at

the time the invention was made to combine the teachings of Scheucher with the device of Dafler et al. because the spring being disposed on the outside of the housing cuts down on the maintenance and labor of the device when the spring needs to be replaced.

Claims 17 – 19, 23 – 24 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dafler et al. as applied to base claims above, and further in view of Raymond et al. (US Patent 6,536,807 B1, dated March 25, 2003).

Regarding claim 17, Dafler et al. teaches to the limitations of the base claim for the reason above.

Dafler et al. does not disclose if the brush housing is fixed on the electrical machine by means of the pre-stressing element. Raymond et al., however, disclose a device in which the housing is connected by the means of a V-shaped spring's ends [14]. It would have been obvious to one skilled in the art at the time the invention was made to combine the spring teachings of Raymond et al. with the device of Dafler et al. because the V-shaped spring end would secure the brush holder housing to the machine.

Regarding claim 18, Dafler et al. teaches to the limitations of the base claim for the reason above.

Dafler et al. does not disclose if the brush housing is fixed on the electrical machine by means of the pre-stressing element. Raymond et al., however, disclose a device in which the housing is connected by the means of a V-shaped spring's ends [14]. It would have been obvious to one skilled in the art at the time

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the invention was made to combine the spring teachings of Raymond et al. with the device of Dafler et al. because the V-shaped spring end would secure the brush holder housing to the machine.

Regarding claim 19, Dafler et al. teaches to the limitations of the base claim for the reason above.

Dafler et al. does not disclose if the brush housing is fixed on the electrical machine by means of the pre-stressing element. Raymond et al., however, disclose a device in which the housing is connected by the means of a V-shaped spring's ends [14]. It would have been obvious to one skilled in the art at the time the invention was made to combine the spring teachings of Raymond et al. with the device of Dafler et al. because the V-shaped spring end would secure the brush holder housing to the machine.

Regarding claim 23, Dafler et al. teaches to the limitations of the base claims above.

Dafler et al. does not disclose a brush holder with a V-shaped spring where the spring ends affix the housing to the electrical machine. Raymond et al., however, disclose a device in which the housing is connected by the means of a V-shaped spring's ends [14]. It would have been obvious to one skilled in the art at the time the invention was made to combine the spring teachings of Raymond et al. with the device of Dafler et al. because the V-shaped spring end would secure the brush holder housing to the machine.

Regarding claim 24, Dafler et al. teaches to the limitations of the base claims above.

Dafler et al. does not disclose a brush holder with a V-shaped spring where the spring ends affix the housing to the electrical machine. Raymond et al., however, disclose a device in which the housing is connected by the means of a V-shaped spring's ends [14]. It would have been obvious to one skilled in the art at the time the invention was made to combine the spring teachings of Raymond et al. with the device of Dafler et al. because the V-shaped spring end would secure the brush holder housing to the machine.

Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dafler et al. in view of Scheucher as applied to the base claims above, and further in view of Raymond et al '807.

Regarding claim 25, Dafler et al. in view of Scheucher teaches to the limitations of the base claims above.

Dafler et al. in view of Scheucher does not disclose a brush holder with a V-shaped spring where the spring ends affix the housing to the electrical machine. Raymond et al., however, disclose a device in which the housing is connected by the means of a V-shaped spring's ends [14]. It would have been obvious to one skilled in the art at the time the invention was made to combine the spring teachings of Raymond et al. with the device of Dafler et al. because the V-shaped spring end would secure the brush holder housing to the machine.

Regarding claim 29, Dafler et al. discloses in figure 2, where the pre-stressing element, the springs [156, 158], are fixed at two tabs [88, 90] and two recesses [92, 93] of the holder of the electrical machine

Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dafler et al. in view of Raymond et al. as applied to the base claims above, and further in view of Bösch (US Patent 4,333,631, dated June 8, 1982).

Regarding claim 26, Dafler et al. in view of Raymond et al. teach to the limitations of the base claims above.

Dafler et al in view of Raymond et al. does not disclose if the V-shaped spring ends are guided via a base of the T-shaped element. Bösch, however, discloses a device in which the ends of a V-shaped spring rest on the shoulders of the head portion of a T-shaped element [column , lines ]. It would have been obvious for one skilled in the art at the time the invention was made to combine the teachings of Bösch with the device combination of Dafler et al. because it allows the T-shaped element to further secure the V-shaped spring.

Claim 30 rejected under 35 U.S.C. 103(a) as being unpatentable over Dafler et al. as applied to the base claim above, and further in view of Szeteli et al. (US Patent 6,270,055 B1, dated August 7, 2001).

Regarding claim 30, Dafler et al teaches to the limitations of the base claims above.

Dafler et al. does not disclose a brush holder wherein the housing on the side on which the pre-stressing element rests, comprises an undulating wall. Szeteli et al., however disclose a device where the housing of the pre-stressing element comprises an undulating exterior wall. It would have been obvious to one skilled in the art at the time the invention was made to combine the teachings of Szeteli et al. with the device of Dafler et al. because the undulating

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wall would allow the pre-stressing element to function without properly, without wearing the spring out.

Regarding claim 32, Dafler et al. teaches to the limitations of the base claims above.

Dafler et al. does not disclose if the electrical machine in particular is an electric motor for a power tool. Youhouse, however, discloses of an electrical brush configuration that is for use in power tools [column 1, line 13]. It would have been obvious for one skilled in the art at the time the invention was made to combine the teachings of Dafler et al. with the machine of Youhous because the it allows for the commutator to be located in closer proximity to the motor which forms the electrical circuit.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rasheed J. Ragin whose telephone number is (571)270-1612. The examiner can normally be reached on Mondays through Fridays, 8:30 - 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren Schuberg can be reached on (571) 272-2044. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

9/26/07

